

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 34-66 are now in the application. Claims 1-33 have been canceled. Claims 40 – 66 have been added.

Support for the new claims is found as follows:

Claim 40 is a combination of the original claims 1 and 2 and it further adds specifics concerning the handle.

Claims 41-44, 47, 48, and 50 are directed to subject matter not previously claimed, but clearly disclosed. Reference is had to the drawing figures and the associated descriptions.

The new **claims 45, 46, 49, and 51-53** are supported in the original claims 3, 11, 4 + 5, 6, 7, and 8+9+10, respectively.

Claim 54 is directed to the two-part implementation of the tubular body. The two-part assembly is important with regard to the shipping and handling of the cleaning apparatus. The independent claim is fully supported in the original claim 1, the handle disclosure in the specification, and the features of the original claim 21.

Claims 55-66 are supported similarly to the above-mentioned claims 41-53.

With regard to the election of Group I on Sept. 27, 2006, the apparatus claims 40-66 fall within the elected group. The non-elected claims 1-33 have been canceled. The

method claims 34-39 should remain withdrawn until prosecution of the apparatus claims has concluded. At that time, the Examiner is requested to consider the possibility of rejoining the method claims into the application. MPEP § 821.04.

With regard to the drawing objection, the Examiner's attention is respectfully directed to the Fig. 6, where the stud screw 13 is illustrated. The screw 13 is shown in the top-left corner of the figure, in the middle of the handle 4. The numeral "13" and a lead line points to the screw. Reconsideration of the objection is requested.

The objections to the disclosure are appreciatively noted. The "informalities" listed by the Examiner have been corrected in the above amendment to the specification.

The specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

We now turn to the art rejection, in which several of the claims have been rejected as being anticipated by Kleiner (US 2,610,347), by DE 297 09 610 ("DE '610"), and/or by WO 96/37140 ("WO '140") under 35 U.S.C. § 102. The remaining claims have been rejected as being obvious over Hardin (US 2,719,999) or over the combination of DE '610 with Reach (US 2,038,958) under 35 U.S.C. § 103. The original claim 2 has been rejected as being obvious over DE '610. We respectfully traverse.

As noted above, we have further emphasized the "handle" in the new claims 40 and 54. The references DE '610 and Kleiner (Fig. 4) show embodiments where the end

of the push rod projects out of the handle. This may be disadvantageous, for example when the user runs into difficulties with returning the device into the initial position. The cleaning apparatus, of course, is not a precision instrument and it is subject to considerable wear and stress due to rough handling. In spite of the seal it is possible for water to seep in at the forward end and the return spring may thus rust. In such a case, the return to the initial position becomes problematic and it must be supported manually, for example by pulling at the end of the push rod. Further, bending at the forward end renders the return movement yet more difficult.

According to DE '610, when the rod is pushed forward, its end 7 is entirely hidden in the handle 6. Fig. 2b. It is not possible to grasp the end in order to effect the return to the initial position. Kleiner describes his Fig. 4 – with reference to Figs. 1 – 3 – that the rings 15, 16 and the rod 17 of Figs. 1-3 are replaced with a tube that extends over the entire length. The cleaning head is placed on the tube, and the tube is pulled back in order to eject the cleaning head. While this appears to be a satisfactory handle assembly, the return spring lies exposed and the user's hands may actually get pinched between the turns of the spring.

Similarly, if we look at the opposite situation, where the tube is held and the push rod is connected with the handle and shifted forward inside, then claim 40 is also not anticipated, nor obvious. There, we have a "plunger mechanism" that slides inside the tube and an outer collar for the actuation of the mechanism. It should be noted, of course, that such a combination of the two embodiments of the Kleiner reference is not obvious. In fact, it would appear that the possibility of the combination would also have been mentioned by Kleiner himself.

According to the claimed invention, the push/pull rod is easily and efficiently activated by the collar in both directions without the necessity for a return spring.

The reference WO '140 is not easily understood. There is no information where the "plurality of pads" is provided. If the container 5 shown in the figures is to receive the pads, then we must ask how they would find their way into the cleaning position and how the push rod is to be actuated. There does not appear to be enough disclosure in the reference to properly judge the technical details. More importantly, the reference does not provide the necessary information that would either anticipate or render obvious the claims, as presented above.

The secondary references Reach and Hardin are no longer pertinent with regard to the new claims.

In summary, none of the references, whether taken alone or in any combination, either show or suggest the features of claims 40 or 54. These claims are, therefore, patentable over the art and since all of the dependent claims are ultimately dependent thereon, they are patentable as well.

In view of the foregoing, reconsideration and allowance of claims 34-66 are solicited.

Petition for extension is herewith made. The required extension fee for a two month extension in the amount of \$225.00 is being submitted herewith. Please charge any

additional fees that may be due to deposit account No. 12-1099 of Lerner Greenberg
Stermer LLP.

/Werner H. Stermer/

Werner H. Stermer
Reg. No. 34,956

WHS:lq

March 2, 2007

Lerner Greenberg Stermer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: 954-925-1100
Fax: 954-925-1101